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7

8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,

CASE NO. 2:20-CR-00213-KJM

12 Plaintiff,
13 v.

DECL. OF FRANK RIEBLI I/S/O GOVERNMENT'S
OPPOSITION TO DEFENDANT'S MOTION TO
SUPPRESS JAIL CALLS

14 CHALONER SAINTILLUS,
15 Defendant.

DATE: January 23, 2023
TIME: 9:00 a.m.
COURT: Hon. Kimberly J. Mueller

16
17
18 I, Frank Riebli, hereby declare:

19 1. I am an attorney licensed to practice law in the State of California and am one of the
20 Assistant United States Attorneys assigned to the above-captioned matter.

21 2. Our office has produced to the defense recordings of telephone calls that Chaloner
22 Saintillus has made to various persons from the Sacramento County Jail. My understanding is that the
23 jail used a phone system provided by IC Solutions until late-June of 2022, and at that point, switched to
24 a phone system provided by Securus. Based on the indexes of the calls that our office provided to
25 Saintillus, I believe that there were at least 977 calls made through the IC Solutions system between
26 March 26, 2021, when Saintillus arrived at the jail, and June 28, 2022, when the jail switched to the
27 Securus system. I further believe that there were at least 623 calls made through the Securus system.
28 The Securus system output noted that 117 of those calls were marked privileged. In his motion to

1 suppress, Saintillus said there were 893 calls through the IC Solutions system and 1,265 calls through
2 the Securus system. I am unable to account for the difference between my count and Saintillus'. My
3 understanding is that all of those calls were recorded, except for the 117 privileged calls noted above.

4 3. I have listened to numerous calls recorded through both the IC Solutions and Securus
5 systems. Both systems included pre-recorded admonitions indicating that the calls were being recorded
6 and could be monitored. I have reproduced, below, the scripts played over the phone when Saintillus
7 made calls using the IC Solutions system:

8 *Press 1 for English.*

9 *The time is [time of day].*

10 *Please enter your PIN number, followed by the pound sign.*

11 *After the tone, please say [word or phrase].¹*

12 *Press zero to make a pre-paid call . . .*

13 *For calls within the United States, Canada, and the Caribbean, please enter the area
14 code, prefix, and number.*

15 [i]the called party answers]

16 *Hello, you have a call at no expense to you from [name], an inmate at Sacramento*

17 *County Main Jail. To accept this call, press or say 'Five.' To refuse this call, hang up
18 now. To block this call and all future calls, press or say 'Nine.'*

19 [i]if the call is accepted]

20 *This call will be recorded and is subject to monitoring at any time. Thank you for using
21 IC Solutions. You may begin speaking now.*

22 I have reproduced, below, the scripts played over the phone when Saintillus made calls using the
23 Securus system:

24 *Press 1 for English.*

25 *For a collect call, press 1.*

26 *For a debit call, enter your PIN number now.*

27

28 ¹ The IC Solutions system used voice-identification, based on words or phrases the detainee
recorded when he set up his account, to ensure that it was the correct detainee initiating the call.

1 *Please enter the area code and phone number you are calling now.*

2 *You have [statement of balance of funds remaining]*

3 *This call will cost [statement of cost of call] per minute, plus any applicable federal, state
4 and local taxes.*

5 *This call is not private. It will be recorded and may be monitored. If you believe this
6 should be a private call, please hang up and follow facility instructions to register this
7 number as a private number.*

8 *You may hear silence during the acceptance of your call. Please continue to hold.*

9 [iPhone rings]

10 *Hello, this is a free call from [name], an incarcerated individual at Sacramento County
11 Main Jail. This call is not private. It will be recorded and may be monitored. If you
12 believe this should be a private call, please hang up and follow facility instructions to
13 register this number as a private number.*

14 *To accept this free call, press 1. To refuse this free call, press 2. If you would like to
15 permanently block your number from receiving calls from this facility, press 6.*

16 *Thank you for using Securus. You may start the conversation now.*

17 The only part of the call to a privileged number that was recorded through the Securus system was the
18 call header, which I have re-produced below:

19 *For English, press 1*

20 *For a collect call . . .*

21 *Enter your PIN number now.*

22 *Please enter the area code and phone number you are calling now.*

23 *This is a private call. It will not be recorded and cannot be monitored. You may hear
24 silence during the acceptance of your call. Please continue to hold. [end of recording]*

25 4. In a recent case in this District, United States v. Long, 18-CR-256 JAM, the defense
26 moved to suppress the defendant's jail calls using the same arguments Saintillus raises here. See ECF
27 159. The government opposed, making many of the same arguments the government makes in this case.
28 ECF 178. According to the Assistant United States Attorney who was lead counsel on that case and

1 who attended the hearing on that motion, the Court denied the motion during a pre-trial hearing on June
2 23, 2022. It appears that the transcript of that hearing was requested, but it does not appear in the
3 docket, so I am unable to provide it to the Court. In any case, the government called a Sacramento
4 County Sheriff's Deputy who worked in the jail to introduce some of those calls at trial. Attached
5 hereto is a true and correct copy of his testimony, which I received from the attorney who conducted the
6 trial, but which is available on the docket for that case at ECF 261.

7

8 I swear under penalty of perjury that the foregoing are true and correct to the best of my knowledge.
9 Executed this 13th day of January, 2023, in Sacramento, California.

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 /s/
FRANK RIEBLI

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